

1 THE HONORABLE JOHN C. COUGHENOUR
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 JEANNE ANG RATHER,

14 Defendant.

CASE NO. CR21-0079-JCC

ORDER

15 This matter comes before the Court on Defendant's motion to continue trial (Dkt. No.
16 30). Having thoroughly considered the motion and relevant record, the Court GRANTS the
17 motion for the reasons explained below.

18 On May 12, 2021, Defendant Jeanne Ang Rather was charged by indictment with seven
19 counts of bank fraud and three counts of aggravated identity theft. (Dkt. No. 1.) The Court
20 previously granted the parties' stipulated motion to continue and later Defendant's unopposed
21 motion to continue. (Dkt. No. 15, 21.) Trial is currently set for January 18, 2022 (Dkt. No. 24.)

22 After the parties seemingly reached a resolution, Ms. Rather signed a plea agreement.
23 (Dkt. No. 25.) However, Defense Counsel indicates that, prior to the entrance of the plea, Ms.
24 Rather informed him that she wished to speak to another attorney and no longer wished to enter a
25 plea. (Dkt. No. 30 at 2.) The change of plea hearing was cancelled, and Defense Counsel
26 declares he has not been able to reach his client since this conversation. (*Id.*) Defense Counsel

1 thus filed this motion to continue trial to a new date "not earlier than March 15, 2022." (Dkt. No.
2 30 at 1). On the same day, he also filed a motion to withdraw as counsel (Dkt. No. 31.) Ms.
3 Rather has retained new counsel, and the Court has reserved ruling on the motion to withdraw
4 until such time as new counsel files for and is approved *pro hac vice* status. (Dkt. No. 36.)

5 Having thoroughly considered the motion and the relevant record, the Court FINDS that
6 the ends of justice served by granting a continuance outweigh the best interests of Defendant and
7 the public to a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A). The reasons for this finding are:

- 8 1. Taking into account the exercise of due diligence, the failure to grant a continuance
9 would deny Defense Counsel the reasonable time necessary for effective preparation,
10 *see* 18 U.S.C. § 3161(h)(7)(B)(iv), and would therefore result in a miscarriage of
11 justice, *see* 18 U.S.C. § 3161(h)(7)(B)(i).
- 12 2. The time between the date of this order and the new trial date is a reasonable period
13 of delay given the breakdown in plea negotiations, Defense Counsel's inability to
14 contact his client, and the pending appointment of new defense counsel.

15 Accordingly, the Court GRANTS Defendant's motion (Dkt. No. 30) and ORDERS:

- 16 1. The January 18, 2022 jury trial is CONTINUED until April 11, 2022.
- 17 2. The November 30, 2021 pretrial motions deadline is CONTINUED until March 4,
18 2022.

19 The period from the date of this order until April 11, 2022 is an excludable time period under 18
20 U.S.C. § 3161(h)(7)(A).

21 DATED this 13th day of December 2021.

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John C. Coughenour
UNITED STATES DISTRICT JUDGE